

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

*In re: National Collegiate Athletic Association
Student-Athlete Concussion Injury Litigation*

Case No: 13-cv-9116
MDL No. 2492

[This Document Relates to *Nichols v. National Collegiate Athletic Association*, 1:14-cv-962]

Hon. John Z. Lee

Magistrate Judge Brown

PLAINTIFF NICHOLS' RESPONSE TO THE MEDICAL MONITORING PLAINTIFFS' MOTION FOR EXTENSION OF DATES

Plaintiff Anthony Nichols,¹ on behalf of himself and a putative class of similarly situated individuals with personal injury claims² against the NCAA, respectfully provides this response to the Medical Monitoring Plaintiff's Motion for Extension of Dates (Dkt. 29):

1. At the February 5, 2014 hearing and in Case Management Order No. 1 (Dkt. 15), the Court issued clear directives to the Parties in these cases to meet and confer and, to the extent possible, cooperate in good faith to resolve the myriad issues that must be addressed given the posture of these proceedings.

2. In accordance with the Court's directives, Nichols' counsel has met and conferred extensively with counsel representing clients that are also pursuing personal injury claims through this MDL in an effort to organize and reach consensus on strategy, discovery, and leadership issues.

3. In furtherance of that goal, Nichols' counsel invited all counsel of record, as well

¹ The *Nichols* Action—captioned *Nichols v. National Collegiate Athletic Association*, Case No. 1:14-cv-962—was tagged and reassigned to this Court on February 18, 2014.

² Plaintiff Nichols seeks to certify a personal injury class defined as “All current and former NCAA student-athletes who sustained a concussion(s) or suffered concussion-like symptoms while playing an NCAA-regulated sport and who incurred medical expenses as a result.”

as all other known counsel representing clients with concussion-related personal injury claims against the NCAA, to attend a meeting at the Edelson PC law offices in Chicago, Illinois. That meeting was held on March 4, 2014 and was attended personally or telephonically by 14 law firms representing former student athletes that are either involved in or will be potentially affected by these proceedings.

4. On the other hand, and notwithstanding their successful organization of a personal injury group, counsel for Arrington have completely ignored Nichols' counsels' attempts to meet and confer to discuss the issues required by Case Management Order No. 1, including the status and substance of its settlement discussions with the NCAA, gaining access to relevant personal-injury related discovery, and what a leadership structure should look like going forward.

5. Counsel for Arrington didn't even consult with much less advise Nichols' counsel about their intent to make the instant request to extend the deadlines until an hour before the filing, giving no real opportunity to consider the issue.

6. Despite their failure Nichols' counsel does not oppose Arrington's motion to extend the deadlines, but they must note, for the record, their frustration with the lack of communication by Arrington counsel and their refusal to comply with the Court's orders.

Respectfully submitted,

Date: March 21, 2014

ANTHONY NICHOLS, individually and on behalf of all others similarly situated,

By: /s/ Ari J. Scharg
One of his attorneys

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CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, certify that on March 21, 2014, I served the above and foregoing ***Plaintiff Nichols' Response to the Medical Monitoring Plaintiffs' Motion For Extension of Dates***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this, March 21, 2014.

/s/ Ari J. Scharg